

Spring 1-1-2005

Senate Bill SB-05S-1865 Noncompliance

Student Government Association
University of North Florida

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SENATE LEGISLATION

SB-05S-1853⁶⁵

SB-05S-1853⁶⁵: Noncompliance

1

2 Whereas: The Student Government of the University of North Florida was established to
3 represent student concerns in all University wide matters, and;

4 Whereas: The Student Senate is the legislative body of the University of North Florida's
5 Student Government given the responsibility of carrying out such legislative acts
6 that are necessary and proper for the Student Body of the University of North
7 Florida;

8 Whereas: Legislation dealing with necessary and proper statutory revisions shall be
9 considered by Student Senate;

10 Whereas: The Constitution and Statutes Committee is responsible for making revisions to
11 the Student Government Constitution and Statutes as needed, and;

12 Whereas: Title VII is in need of revision;

13 Whereas: The procedure for noncompliance, the procedure for the enforcement of the
14 Student Government bylaws, is inadequate and outdated;

15 **Therefore: Let it be enacted, that the following changes be made to Title VII:**

16 **Chapters 700, 701, 702, 703, 707, 708, 709 and 710 read as follows:**

17

18 **Chapter 700 Enforcement**

19

20 700.1 The primary legislative act that will govern all executive, legislative, and
21 judicial act of law shall be Noncompliance.

22

23 700.2 Noncompliance shall be defined as the failure or refusal to comply, whether
24 intentional or not, with the University of North Florida Student Government
25 Constitution, Statutes, or Policies and Procedures as set by the Student
26 Government.

27

28 **Chapter 701 Noncompliance**

29

30 701.1 Noncompliance may only be issued by members of Student Government as
31 outlined in this chapter.



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701.2 Entities that are subject to noncompliance are limited to:

- A. Student Government funded entities
- B. Student Government Committees
- C. Student Government elected and appointed members
- D. Student Government Branches

Chapter 702 Authority to Issue Notification

702.1 The authority to issue a "Notification of Noncompliance" is vested in the following offices:

- A. The Student Body President
- B. The Student Government Senate President
- C. Student Government Treasurer shall have the jurisdiction over Title VIII, Activity and Service Accounts, and Senate appropriations made in Bill form.
- D. The Elections Supervisor shall have jurisdiction limited to Title VI and election proceedings.
- F. Any Four (4) Senators can file Noncompliance through the Senate President

Chapter 703 Format of the Notification of Noncompliance

703.1 Notification of Noncompliance

Student Government Association Form N-1, "Notification of Noncompliance," is to be used as a written notification that the Student



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Government Constitution and Statutes, Senate Bills, and/or other legal mandates are not being complied with or adhered to.

703.2 Each "Notification of Noncompliance" shall be drafted in the following form:

Notification of Noncompliance

Issuer: _____ [Title of Issuer] _____

Party Issued To: _____

You are hereby notified that you are in noncompliance with:

_____ [Title of Bill or Legal Mandate] _____

The following is noted to be in noncompliance:

_____ [Exact wording of Bill or Legal Mandate] _____

Chapter 707 Noncompliance Procedure

707.1 Upon issuance, the standing Committee that has jurisdiction shall hear the matter at the next meeting that shall occur no less than ten (10) business days and no more than fifteen (15) business days after the issuance.

707.2 At the Committee meeting the procedure of Noncompliance shall go as follows:

A. The Issuer of Noncompliance shall:

1. State the Title of Bill or Mandate in question
2. Introduce evidence

B. The accused shall then take the floor and:

1. Show that the accused has become back within compliance
2. Refute the Charges

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- 1
- 2
- 3 C. The Committee then shall have open discussion and have the right to
- 4 question all involved in the hearing.
- 5
- 6 D. Upon the closure of open discussion, the Committee shall by a
- 7 majority vote, have the right to due the following:
- 8
- 9 1. Dismiss the charges of Noncompliance if the accused is
- 10 found not to be in violation.
- 11
- 12 2. Find that the accused is now back within compliance with the
- 13 statutes, accept in the case in which the accused party is
- 14 unable to become back in compliance with the bill or legal
- 15 mandate. Such cases shall include but not be limited to:
- 16 a. Prohibited usage of A&S Funds
- 17 b. Violation of the Code of Ethics
- 18 c. Violation of the Nondiscrimination Policy
- 19 d. Malfeasance or Misfeasance
- 20
- 21 3. Find that the accused party is in violation the bill or legal mandate
- 22 stated.
- 23
- 24 E. Upon finding the accused in violation, the committee shall write a
- 25 Simple Resolution through open discussion that shall be forwarded
- 26 to Senate that shall include the following:
- 27 1. The stated charges against the accused
- 28 2. Formal Evidence
- 29 3. An enacting clause that shall include their recommendation
- 30 for penal action, which shall derive from Chapter 710
- 31 4. The Senate Sponsor shall be the Committee Chair
- 32
- 33 F. The Committee must then pass a Simple Resolution by a majority
- 34 vote.
- 35
- 36 G. Upon approval of the committee, the Simple Resolution shall then be
- 37 placed on the agenda for the next Senate meeting under Legislation
- 38 considered for 2nd reading.
- 39

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H. At the Senate meeting, the procedure for the Simple Resolution shall follow the same procedure as any other Simple Resolution on the table with the following exception:

1. Once the Senate Sponsor of the Simple Resolution is finished with his/her presentation and has finished answering questions, the Accused party shall be allowed to make a counter presentation and answer questions posed to them.

I. Upon the two-thirds (2/3) majority approval of the Simple Resolution, the penal action of enacting clause shall go into effect.

Chapter 708 Appeal of Noncompliance

708.1 In the event that the accused party feels that the Senate derives an inadequate ruling, either party has the right to file an appeal with the Judicial Branch.

708.2 Guidelines for the appeal shall be set by the Chief Justice and the Judicial Policies and Procedures.

708.3 As defined in the Student Government Constitution, all rulings of the Judicial Branch shall be final.

Chapter 709 Invalidation

709.1 "Notification of Noncompliance" shall be considered invalid if issued more than one hundred and eighty (180) business days after the violation

Chapter 710 Penalties for Noncompliance

710.1 Penalties for noncompliance shall include, but not limited to:

- A. Formally written reprimand
- B. Freezing or retraction of Activity and Service Fee funding
- C. Suspension of Student Government recognition
- D. Suspension from office for a period not to exceed 30 days



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E. Recommendation for the impeachment from office.

Line 711.1.A read as follows:

Charges, in affidavit form, stating the alleged violations and preliminary proof may be filed by a Senator, with concurrence of three (3) additional Senators to the Constitution and Statutes Committee Chairman, unless there has been a Simple Resolution passed recommending Impeachment through the Noncompliance procedure, in which case the Simple Resolution shall take the place of the affidavit.

STUDENT SENATE ACTION

Respectfully Submitted: Sen. Blair Mitchelson, CSC Chair

Introduced by: Senator Blair Mitchelson, CSC Chairman

Senate Action: 35-00-01

Date: February 21st, 2005

Signed,

Charles R. Jordan

(Charles R. Jordan, Student Senate President)

EXECUTIVE ACTION

Let it be known that SB-05S-1853⁶⁵ is hereby

PASSED / VETOED / LINE-ITEM VETOED

on this 28 day of Feb., 2005

Signed,

Jerry Watterson

Jerry Watterson, Student Body President

OVERRIDE

25-09-02

Charles R. Jordan

(Student Senate President)